



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2017 MAR 30 PM 3:36

SENSITIVE

March 30, 2017

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *WAP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division *for KDR*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2016 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2016 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2017.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report : no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

**Federal Election Commission
Reason to Believe Circulation Report
2016 YEAR-END Not Election Sensitive 01/31/2017 H_S_P_UNAUTH**

3/30/2017 2:41 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3312	C00607762	SOULES FOR US CONGRESS	MERRIE LEE SOULES	MARYANN HENDRICKSON	\$799,501	0		Not Filed	\$133,250 (est)	\$6,252

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2016)
Year-End Report for the Administrative)
Fine Program:)

2016-11-10 10:40

Federal Election Commission
Certification for Administrative Fines
April 03, 2017

Page 2

SOULES FOR US CONGRESS, and
HENDRICKSON, MARYANN MS as
treasurer;

) AF# 3312
)
)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on April 03, 2017 the Commission took the following actions
on the Reason To Believe Recommendation - 2016 Year-End Report for the
Administrative Fine Program as recommended in the Reports Analysis Division's
Memorandum dated March 30, 2017, on the following committees:

Federal Election Commission
Certification for Administrative Fines
April 03, 2017

Page 4

UNCLASSIFIED

Federal Election Commission
Certification for Administrative Fines
April 03, 2017

Page 5

THE BROWN PAPER

—DON—EARTH—

1


AF#3312 Decided by a vote of 4-0 to: (1) find reason to believe that SOULES FOR US CONGRESS, and HENDRICKSON, MARYANN MS in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Walther, and Weintraub voted affirmatively for the decision. Commissioner Petersen did not vote.

Federal Election Commission
Certification for Administrative Fines
April 03, 2017

Page 8

Attest:

April 3, 2017
Date


Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 5, 2017

Maryann Hendrickson, in official capacity as Treasurer
Soules for U.S. Congress
6760 Bright View Rd.
Las Cruces, NM 88007

C00607762
AF#: 3312

Dear Ms. Hendrickson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period November 29, 2016 through December 31, 2016, shall be filed no later than January 31, 2017. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 3, 2017, the FEC found that there is reason to believe ("RTB") that Soules for U.S. Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2017. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,252. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$6,252 is due within forty (40) days of the finding, or by May 13, 2017, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$133,250
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

- 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**
If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 13, 2017. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Soules for U.S. Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Aimee Wechsler in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$6,252 for the 2016 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Soules for U.S. Congress

FEC ID#: C00607762

AF#: 3312

PAYMENT DUE DATE: May 13, 2017

PAYMENT AMOUNT DUE: \$6,252

Soules US Congress
6760 Bright View Road
Las Cruces, NM 88007

RECEIVED
FEC MAIL CENTER
2017 MAY -8 AM 8:46

Federal Election Commission
Administrative Review
999 E Street NW
Washington, DC 20463

April 20, 2017

Challenge
C00607762
AF#3312

Dear Federal Election Commission,

We are in receipt of a letter dated April 5, 2017 stating that a Year-End report of receipts and disbursements covering November 29, 2016 through December 31, 2016 was not filed.

Our records show that there was a filing made and accepted by your system on 02/02/2017 at 17:30:24. It was assigned the filing ID of FEC-1147274.

After some research, we found the error. While there was a filing made, it seems that it was a duplicate of the previous filing.

The error was unintentional.

Clearly it was our intent to make the correct filing.

We have corrected this error, and ask the commission to accept our apology for an error beyond our control.

We apologize for this error and hope that we can move forward to terminate our account with the FEC.

Kindest regards,



Laura Garcia
Campaign Manager
Soules US Congress



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 2017

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3312 – Soules for US Congress and Laura Garcia¹, in her official capacity as Treasurer (C00607762)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$326 civil money penalty.

Reason-to-Believe Background

The 2016 Year-End Report was due on January 31, 2017. The respondents filed the report on April 18, 2017, 77 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2017, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 Year-End Report and made a preliminary determination that the civil money penalty was \$6,252 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 5, 2017 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

¹ On May 25, 2017, the Committee filed an Amended Statement of Organization listing Laura Garcia as the Committee's new Treasurer. Therefore, the respondents in this matter are now Soules for US Congress and Laura Garcia, in her official capacity as Treasurer.

Summary of Respondents' Challenge

On May 8, 2017, the Commission received the written response ("challenge") from the Treasurer. The Treasurer explains that the Committee believed it electronically filed the 2016 Year-End Report on February 2, 2017. Instead, the Committee inadvertently filed a duplicate of a previous report. The Treasurer states they have since filed the 2016 Year-End Report, apologizes for the error beyond their control, and expresses their intent to terminate the Committee.

Analysis

The respondents contend they intended to file the 2016 Year-End Report on February 2, 2017 but inadvertently uploaded a previous report. Commission records indicate the Committee did file a duplicate 2016 30 Day Post-General Report on February 2, 2017. The Committee did not contact the Commission regarding the missing report until it received the RTB Letter for this matter. However, prior Commission notifications should have alerted the respondents to the missing 2016 Year-End Report much sooner.

Immediately following the February 2, 2017 upload, the Commission's Electronic Filing Office sent an email to laurajgarcia34@gmail.com and maryannhendrickson@yahoo.com acknowledging the receipt and acceptance of their filing. Within the email's Identification Section, the report's coverage period was listed as "From/Through: 20161020 – 20161128." These dates represent the 2016 30 Day Post-General Report coverage period of October 20, 2016 through November 28, 2016. The email also contained the financial totals of the filing's Summary Pages. Given the 2016 Year-End Report activity was minimal, the respondents should have been alarmed by the significantly greater financial figures contained in the email. Further, on February 16, 2017, RAD sent a non-filer notification via email to laura@soulesuscongress.com and mlsoules@soulesuscongress.com, the email addresses listed on the Committee's Statement of Organization at that time, because the 2016 Year-End Report had not yet been filed.

The Reviewing Officer recognizes the respondents' failure to file the 2016 Year-End Report may have been a mistake. However, failure to use filing software properly is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. In addition, a committee's intent to terminate is not considered. The respondents' challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

At the time of the RTB finding, the Commission used an estimated level of activity (\$133,250) to calculate the penalty because the 2016 Year-End Report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). The Committee successfully electronically filed the 2016 Year-End Report on April 18, 2017, 77 days late. The report discloses \$0 in total receipts and \$3,776 in total disbursements. Therefore, the actual level of activity of the 2016 Year-End Report is \$3,776. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for the level of activity bracket of

\$1 - \$4,999.99, the civil money penalty is $\$326 \times [1 + (.25 \times 0 \text{ previous violations})]$ or \$326. Therefore, the Reviewing Officer recommends that the Commission assess a \$326 civil money penalty, reduced from the RTB civil money penalty of \$6,252.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3312 involving Soules for US Congress and Laura Garcia, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3312 that Soules for US Congress and Laura Garcia, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$326 civil money penalty (reduced from the RTB civil money penalty of \$6,252); and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Soules for US Congress:
- A) Non-Filer Letter, dated February 16, 2017, referencing the 2016 Year-End Report (sent via electronic mail to: laura@soulesuscongress.com and mlsoules@soulesuscongress.com);
- B) Reason-to-Believe Letter, dated April 5, 2017, referencing the 2016 Year-End Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Soules for US Congress filed the 2016 Year-End Report with the Commission on April 18, 2017.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 23rd day of May, 2017.

Ben Holly for KDR
Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 16, 2017

HENDRICKSON, MARYANN MS, TREASURER
SOULES FOR US CONGRESS
6760 BRIGHT VIEW RD.
LAS CRUCES, NM 88007

IDENTIFICATION NUMBER: C00607762

REFERENCE: YEAR-END REPORT (11/29/2016 - 12/31/2016)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

SOULES FOR US CONGRESS

Page 2 of 2

If you have any questions regarding this matter, please contact Aimee Wechsler at our toll-free number (800)424-9530. The analyst's direct number is (202)694-1194.

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

CONFIDENTIAL

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the period ending December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time January 31, 2017 for the 2016 Year-End Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover Page and Detailed Summary Pages of the 2016 30 Day Post-General Report filed by Soules for US Congress and Laura Garcia, in her official capacity as Treasurer. The report includes the coverage period of October 20, 2016 through November 28, 2016 and was filed on February 2, 2017.
 - b) Cover Page and Detailed Summary Pages of the 2016 Year-End Report filed by Soules for US Congress and Laura Garcia, in her official capacity as Treasurer. The report includes the coverage period of November 29, 2016 through December 31, 2016 and was filed on April 18, 2017.
 - c) Amended Statement of Organization filed by Soules for US Congress on May 25, 2017 listing Laura Garcia as Treasurer.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 31st day of May, 2017.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Soules US Congress

ADDRESS (number and street) ▼

PO Box 536

Check if different
than previously
reported. (ACC)

Fairacres

NM

88033

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00607762

3. IS THIS
REPORTNEW
(N)

OR

x

AMENDED
(A)

STATE ▼ DISTRICT

NM

02

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on M M / D D / Y Y Y Y

in the
State of

(c) 30-Day POST-Election Report for the:

x

General (30G)

Runoff (30R)

Special (30S)

Election on M M / D D / Y Y Y Y
11 08 2016in the
State of NM

5. Covering Period M M / D D / Y Y Y Y 10 20 2016 through M M / D D / Y Y Y Y 11 28 2016

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Hendrickson, MaryAnn, . .

Type or Print Name of Treasurer

Signature of Treasurer

Hendrickson, MaryAnn, . .

[Electronically Filed]

Date

M M / D D / Y Y Y Y 12 08 2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office
Use
Only**FEC FORM 3**
(Revised 05/2016)

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 76

Write or Type Committee Name
Soules US Congress

Report Covering the Period: From: M M / D D / Y Y Y Y
10 20 2016

To: M M / D D / Y Y Y Y
11 28 2016

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	105298.00	286178.89
(b) Total Contribution Refunds (from Line 20(d))	0.00	125.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	105298.00	286053.89
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	111068.76	352621.09
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	111068.76	352621.09
8. Cash on Hand at Close of Reporting Period (from Line 27)	2457.27	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	113000.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

POST-ELECTION DETAILED SUMMARY PAGE**Report of Receipts and Disbursements**

FEC Form 3 (Revised 07/05)

PAGE 3 / 76

- If the candidate participated in the general election, use this form for the 30-day Post-General report.
- If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

Soules US Congress

Report Covering the Period: From: **MM / DD / YYYY** 10 / 20 / 2016 To: **MM / DD / YYYY** 11 / 28 / 2016

I. RECEIPTS

COLUMN A Total this Period	COLUMN B Election Cycle Total as of MM / DD / YYYY 11 / 08 / 2016 (date of general election)	COLUMN C Total for MM / DD / YYYY 11 / 09 / 2016 (date after general election) through MM / DD / YYYY 11 / 28 / 2016 (last day of reporting period)
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other than Political Committees		
(i) Itemized (use Schedule A)		
99074.00	229127.67	800.00
(ii) Unitemized		
5224.00	50051.22	1000.00
(iii) Total of contributions from individuals		
104298.00	279178.89	1800.00
(b) Political Party Committees		
0.00	0.00	0.00
(c) Other Political Committees		
1000.00	7000.00	0.00

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 4 / 76

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
(d) The Candidate		
0.00	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))		
105298.00	286178.89	1800.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) All Other Loans		
0.00	113000.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))		
0.00	113000.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, rebates, etc.)		
0.00	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)		
0.00	0.00	0.00
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)		
105298.00	399178.89	1800.00

POST-ELECTION DETAILED SUMMARY PAGE Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 5 / 76

Write or Type Committee Name

Soules US Congress

Report Covering the Period: From: M M / D D / Y Y Y Y
10 20 2016To: M M / D D / Y Y Y Y
11 28 2016**II. DISBURSEMENTS**

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
17. OPERATING EXPENDITURES		
111088.76	352821.09	48684.76
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) Of All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b))		
0.00	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
0.00	125.00	0.00
(b) Political Party Committees		
0.00	0.00	0.00

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 6 / 76

COLUMN A		COLUMN B	COLUMN C
Total this Period		Election Cycle Total as of * (date of general election) (* See page 5 for date)	Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
(c) Other Political Committees (such as PACs)			
	0.00	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b) and (c))			
	0.00	125.00	0.00
21. OTHER DISBURSEMENTS			
	0.00	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d) and 21)			
	111068.76	352746.09	48664.76

III. NET CONTRIBUTIONS (OTHER THAN LOANS)

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract Line 20(d) from Line 11(e))

105298.00	286053.89	1800.00
-----------	-----------	---------

IV. NET OPERATING EXPENDITURES

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract Line 14 from Line 17)

111068.76	352621.09	48664.76
-----------	-----------	----------

V. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	8228.03
24. TOTAL RECEIPTS THIS PERIOD (from Line 16).....	105298.00
25. SUBTOTAL (add Line 23 and Line 24).....	113526.03
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	111068.76
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)	2457.27

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Soules US Congress

ADDRESS (number and street)

755 S Telshor G2

x

Check if different
than previously
reported. (ACC)

Las Cruces

NM

88011

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00607762

3. IS THIS
REPORT

x

NEW
(N)

OR

AMENDED
(A)

STATE ▼ DISTRICT

NM

02

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

x January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

M M / D D / Y Y Y Y

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

M M / D D / Y Y Y Y

in the
State of

5. Covering Period

M M / D D / Y Y Y Y
11 / 29 / 2016

through

M M / D D / Y Y Y Y
12 / 31 / 2016

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Hendrickson, MaryAnn, ..

Type or Print Name of Treasurer

Hendrickson, MaryAnn, ..

Signature of Treasurer

[Electronically Filed]

Date

M M / D D / Y Y Y Y
04 / 18 / 2017

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office
Use
Only**FEC FORM 3**
(Revised 05/2016)

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 13

Write or Type Committee Name
Soules US Congress

Report Covering the Period: From: M M / D D / Y Y Y Y
11 29 2016

To: M M / D D / Y Y Y Y
12 31 2016

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	0.00	1800.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	1800.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	3776.29	52441.05
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	3776.29	52441.05
8. Cash on Hand at Close of Reporting Period (from Line 27)	-1319.02	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	113000.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 05/2016)

PAGE 3 / 13

Write or Type Committee Name

Soules US Congress

Report Covering the Period: From: M M / D D / Y Y Y Y
11 29 2016 To: M M / D D / Y Y Y Y
12 31 2016

I. RECEIPTS	COLUMN A Total This Period			COLUMN B Election Cycle-to-Date		
11. CONTRIBUTIONS (other than loans) FROM:						
(a) Individuals/Persons Other Than Political Committees						
(i) Itemized (use Schedule A)	0.00	.	.	800.00
(ii) Unitemized	0.00	.	.	1000.00
(iii) TOTAL of contributions from individuals	0.00	.	.	1800.00
(b) Political Party Committees.....	.	.	0.00	.	.	0.00
(c) Other Political Committees (such as PACs)	0.00	.	.	0.00
(d) The Candidate	0.00	.	.	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	.	.	0.00	.	.	1800.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES						
	.	.	0.00	.	.	0.00
13. LOANS:						
(a) Made or Guaranteed by the Candidate.....	.	.	0.00	.	.	0.00
(b) All Other Loans.....	.	.	0.00	.	.	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	.	.	0.00	.	.	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....						
	.	.	0.00	.	.	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)						
	.	.	0.00	.	.	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....						
	.	.	0.00	.	.	1800.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 13

II. DISBURSEMENTS	COLUMN A Total This Period		COLUMN B Election Cycle-to-Date	
17. OPERATING EXPENDITURES.....	.	.	3776.29	52441.05
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	.	.	0.00	0.00
19. LOAN REPAYMENTS:				
(a) Of Loans Made or Guaranteed by the Candidate.....	.	.	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	.	.	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:				
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	.	.	0.00	0.00
(c) Other Political Committees (such as PACs).....	.	.	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	.	.	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	.	.	3776.29	52441.05

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	.	.	2457.27
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	.	.	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	.	.	2457.27
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	.	.	3776.29
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	.	.	-1319.02

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Soules for US Congress

ADDRESS (number and street)

2780 Monte Bello Drive

* (Check if address is changed)

Las Cruces

CITY ▲

NM

STATE ▲

88011

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

* (Check if address is changed)

laurajgarcia34@gmail.com

Optional Second E-Mail Address

mlsoules@hotmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

◀ (Check if address is changed)

www.soulesuscongress.com

2. DATE 02 01 2016

3. FEC IDENTIFICATION NUMBER ► C C00607762

4. IS THIS STATEMENT NEW (N) OR * AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Garcia, Laura, , Ms.

Signature of Treasurer Garcia, Laura, , Ms.

[Electronically Filed]

Date 05 25 2017

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

FINANCIAL REPORTING

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) ☒ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Soules, Merrie Lee, , Ms.,

Candidate Party Affiliation

DEM

Office Sought:

☒ House☐ Senate☐ President

State

NM

District

02

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) ☐ This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

☐ Corporation☐ Corporation w/o Capital Stock☐ Labor Organization☐ Membership Organization☐ Trade Association☐ Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

- | | | | |
|----|----------------------|---------------|---|
| 1. | <input type="text"/> | FEC ID number | C |
| 2. | <input type="text"/> | FEC ID number | C |
| 3. | <input type="text"/> | FEC ID number | C |
| 4. | <input type="text"/> | FEC ID number | C |

Write or Type Committee Name

Soules for US Congress**6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor**

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Garcia, Laura, , Ms,

Mailing Address PO Box 244

Las Cruces

NM

88011

Title or Position

CITY

STATE

ZIP CODE

Treasurer

Telephone number

575

405

2870

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).Full Name
of Treasurer Garcia, Laura, , Ms,

Mailing Address PO Box 244

Las Cruces

NM

88011

Title or Position
Treasurer

CITY

STATE

ZIP CODE

Telephone number

575

405

2870

Full Name of
Designated
Agent

Mailing Address

Title or Position

Telephone number

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Wells Fargo

Mailing Address

425 S. Telshor Blvd.

Las Cruces

NM

88011

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 2017

Laura Garcia, Treasurer
Soules for US Congress
6760 Bright View Road
Las Cruces, NM 88007

C00607762
AF#: 3312

Dear Ms. Garcia:

On April 3, 2017, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Soules for US Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$6,252 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

Soules US Congress
6760 Bright View Rd
Las Cruces, NM 88007

2017 JUN 12 PM 1:15

June 5, 2017

Secretary
Federal Election Commission
999 E Street NW
Washington, DC 20463

C00607762
AF# 3312

To Whom It May Concern,

We are in receipt of the Reviewing Officer Recommendation in regards to AF# 3312 and submit this written response to that recommendation.

The Reviewing Officer recommends that the Commission find that the Soules for US Congress campaign and Laura Garcia, in her official capacity as Treasurer, violated 52 U.S.C. 30104(a) by not filing timely the 2016 Year-End Report. It is further recommended that a \$326 civil money penalty be assessed. We have no argument against this finding as we inadvertently filed a duplicate of an earlier filing, thinking it was the compliant 2016 Year-End Report. If there is no leeway in interpretation of the Code, then the recommendation reasonably describes the circumstances. If there is leeway available, please note 1) that we intended to comply, and 2) there was no additional fundraising or political activity to report with this campaign. The only remaining activity is in seeking to shut down the campaign and payoff outstanding debts, which requires additional loans from the candidate.

Your rapid disposition of this matter will be greatly appreciated. Thank you for your consideration,


Merrie Lee Soules
Candidate


Laura Garcia
Treasurer

Soules for US Congress
6760 Bright View Rd
Las Cruces, NM 88007



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
JUN 23 2017

2017 JUN 23 AM 9:25

June 23, 2017

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *SWH*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3312 – Soules for US Congress and
Laura Garcia, in her official capacity as Treasurer (C00607762)

On April 3, 2017, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 Year-End Report and made a preliminary determination that the civil money penalty was \$6,252 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 8, 2017, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated May 31, 2017 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a). The Reviewing Officer also recommended that the Commission reduce the civil money penalty to \$326 based on the level of activity disclosed on the 2016 Year-End Report (\$3,776).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On June 12, 2017, the Commission received their written response which reiterates the points raised in the original challenge. The Candidate and Treasurer also state:

...If there is no leeway in interpretation of the Code, then the recommendation reasonably describes the circumstances. If there is leeway available, please note

1) that we intended to comply, and 2) there was no additional fundraising or political activity to report with this campaign. The only remaining activity is in seeking to shut down the campaign and payoff outstanding debts, which requires additional loans from the candidate.

As stated in the ROR, failure to use filing software properly is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. In addition, a committee's intent to terminate is not considered. The respondents' challenge and response to the ROR fail to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$326 civil money penalty, reduced from the RTB civil money penalty of \$6,252.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3312 involving Soules for US Congress and Laura Garcia, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3312 that Soules for US Congress and Laura Garcia, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$326 civil money penalty (reduced from the RTB civil money penalty of \$6,252); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3312
Final Determination Recommendation:)
Soules for US Congress and Laura)
Garcia, in her official capacity as)
Treasurer (C00607762))

CERTIFICATION


I, Dayna C. Brown, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on July 06, 2017, the Commission decided
by a vote of 5-0 to take the following actions in AF 3312:

1. Adopt the Reviewing Officer recommendation for AF# 3312
involving Soules for US Congress and Laura Garcia, in her official
capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3312 that Soules for US
Congress and Laura Garcia, in her official capacity as Treasurer,
violated 52 U.S.C. § 30104(a) and assess a \$326 civil money penalty.
3. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

Attest:

July 6, 2017
Date


Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 11, 2017

Laura Garcia, Treasurer
Soules for US Congress
6760 Bright View Road
Las Cruces, NM 88007

C00607762
AF#: 3312

Dear Ms. Garcia:

On April 3, 2017, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Soules for US Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2016 Year-End Report. By letter dated April 5, 2017, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$6,252 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 8, 2017, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Soules for US Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2016 Year-End Report filed April 18, 2017 (\$3,776), assess a civil money penalty in the amount of \$326 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on May 31, 2017. On June 12, 2017, the Commission received your written response to the ROR.

On July 6, 2017, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Soules for US Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the 2016 Year-End Report (\$3,776), assessed a civil money penalty in the amount of \$326 (reduced from the RTB civil money penalty of \$6,252). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$326 for the 2016 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Soules for US Congress

FEC ID#: C00607762

AF#: 3312

PAYMENT AMOUNT DUE: \$326